

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

THOMAS A. DRESCHER

Petitioner,

v.

CIVIL ACTION NO. 2:16-cv-09517

DAVID BALLARD,

Respondent.

ORDER

Pending before the court is the petitioner's "Appeal of Petitioner Thomas A. Drescher," which has been docketed as a Petition for a Writ of Mandamus [ECF No. 1]. United States Magistrate Dwane L. Tinsley issued a Proposed Findings and Recommendation [ECF No. 5] ("PF&R") on May 17, 2017. Judge Tinsley recommended that the court dismiss the Petition for lack of jurisdiction. Subsequently, the petitioner filed Objections [ECF No. 6] to the PF&R, which the court will now address. For the reasons discussed herein, the court **ADOPTS** the PF&R and **ORDERS** that the Petition for a Writ of Mandamus [ECF No. 1] be **DISMISSED** and **STRICKEN** from the docket of this court.

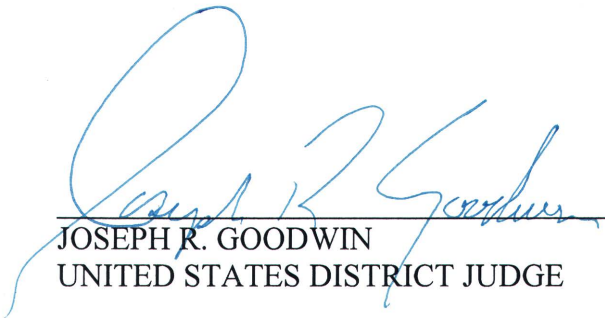
Having reviewed the petitioner's objections de novo, the court **FINDS** that all are without merit. The court **FINDS** that it lacks jurisdiction to issue a writ of mandamus directed to the WVDOC employees. Moreover, the court **FINDS** that the

petition challenges a decision made by the West Virginia Supreme Court of Appeals and that this court's review of that decision amounts to an appeal therefrom, which is barred by the *Rooker-Feldman* doctrine.

Therefore, the court **ADOPTS** and **INCORPORATES** herein the PF&R in full and **ORDERS** that the case is **DISMISSED** for lack of jurisdiction and **STRICKEN** from the docket of this court.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 16, 2017



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE